



REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, in response to the rejection of claims 1-22 under the second paragraph of 35 U.S.C. §112, each of independent claims 1, 19 and 20 has been amended to change "suspended stock solution" to --suspension--, rendering this rejection moot. The term "suspension" is specifically used at, for example, page 8, line 16, page 10, line 34 and page 11, line 8 of the specification.

Attached hereto is a marked-up version of the changes made to claims 1, 19 and 20 by the current amendment. The attached pages are captioned "Version with markings to show changes made."

The rejection of claims 1-4, 19 and 20 under the first paragraph of 35 U.S.C. §112 is respectfully traversed.

The Examiner acknowledges Applicants' argument that dietary fibers are well-known in the art, but takes the position that Applicants' argument is merely opinion.

In response to the Examiner's position, please see the partial results of an Internet search, which found 25,200 items involving "water soluble dietary fiber", the first 100 items being set forth in the attached pages printed from the Internet search. In consideration of this, Applicants again respectfully submit that the term "dietary fiber" is a well-known term, and accordingly, the rejection of the claims under the first paragraph of 35 U.S.C. §112 should be withdrawn.

The patentability of the present invention over the disclosures of the references relied upon by the Examiner in rejecting the claims will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over Miskel et al. in view of Tanner et al. is respectfully traversed.

In the soft capsules of Miskel et al., the macromolecular compounds are not in the form of a liquid type suspension as required in the soft capsule of the present invention, but instead in the form of a rigid gel system. The rigid gel system of Miskel et al. is formed by preparing a macromolecular gel-lattice matrix comprised of 30-50% water which contains active chemical

compounds, and then cooling and drying the matrix to set to the rigid system. That is, in order to formulate the macromolecular gel lattice matrix, a considerable amount of water is always necessary.

The soft elastic gelatin capsules of Tanner et al. employ a maltitol syrup carrier system in which an active agent is dissolved or suspended in the form of a homogenized mixture.

In Miskel et al. and Tanner et al., the important function of each of the carrier systems performed in encapsulating the active agent(s) in a soft gelatin shell is based on the respective constructions thereof which are different from each other. That is, it is clear that the suspension in the form of a homogenized mixture of Tanner et al. cannot be applied to the rigid gel system of Miskel et al. Accordingly, the combination of the teachings of Miskel et al. and Tanner et al. as indicated by the Examiner is unreasonable. See Ex parte Hartmann, 186 USPQ 366.

Regarding Example 50 of Miskel et al., specifically mentioned by the Examiner, although the Examiner considers the disclosed vitamin E to be an oil-soluble material, Applicants note that vitamin E, i.e. d-alpha tocopheryl polyethylene glycol succinate, is a salt which is soluble in water rather than in oil. The Examiner's position in this regard is therefore incorrect.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Toshimitsu ISHIKAWA et al.

By:



Michael R. Davis

Registration No. 25,134

Attorney for Applicants

MRD/pth
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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Version with Markings to
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Topic

1. (Amended) A soft capsule encapsulating a medicinal liquid comprising a dietary fiber in an amount of 5 to 90% by weight based on a whole composition of the medicinal liquid; wherein said medicinal liquid is in the form of a ~~suspended stock solution~~ ^{suspension} which is homogenized.

Topic

19. (Amended) A soft capsule encapsulating a medicinal liquid consisting essentially of:
a dietary fiber in an amount of 5 to 90% by weight based on a whole composition of the medicinal liquid; and
a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 80% by weight based on the whole composition of said medicinal liquid; wherein said medicinal liquid is in the form of a ~~suspended stock solution~~ ^{suspension} which is homogenized.

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Tan 20

20. (Amended) A soft capsule encapsulating a medicinal liquid consisting essentially of:
a dietary fiber in an amount of 5 to 60% by weight based on a whole composition of the
medicinal liquid;

a material of limited oil-solubility other than the dietary fiber in an amount of 1 to 70% by
weight based on the whole composition of said medicinal liquid; and
either a fat and oil material or an oil-soluble material in an amount of 1 to 50% by weight
based on the whole composition of said medicinal liquid;

wherein said medicinal liquid is in the form of a ~~suspended~~ ^{Suspension} ~~stock~~ solution which is
homogenized.

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